EXHIBIT A

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Q Okay. Well, I thought you made a distinction between the SOPs from the Attorney General's Office and then your own department has its own general orders.
A Some of the general orders are taken directly from the attorney general's orders verbatim. Your use of force policies and everything that have guide -- that we're guided through by the attorney general. Other SOPs and general orders are generated from within the department.
Q Have you ever generated any of these orders?
A Yes.
Q Dealing with what topics?
A A variety.
Q How about dealing with guidelines as to how to handle intoxicated -- people who are intoxicated in public?
A No, sir.
Q Okay. You have not created any of those guidelines?
A No, sir.
Q How about guidelines dealing with how to handle homeless people?
A No, sir.

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Q Give me an idea of what kind of guidelines you've created.
A Lot of them are just internal policies for the police officers to follow as far as cell phone usage. We just -- I'd have -- it runs a whole gamut of different topics, like mostly internal policies, what they can and can't do. Our drug testing policy. You know, revising certain things and bringing certain things up to date.
Q Okay. The SOPs that we talked about, are they contained in any kind of booklet?
A Yes.
Q What would that be called?
A General Orders Manual.
Q And --
(There is a discussion held off the record.)
Q The General Orders Manual, where is that maintained?
A At police headquarters.
Q Any particular room?
A They're distributed throughout the department. Officers are assigned General Orders manuals, as well as there are copies kept in the director's office, the various offices of the

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commanders, at the front desk area. They're there.
Q Are they available for patrolmen to review?
A Yes, sir.
Q Do the patrolmen receive them?
A Yes, they do.
Q Now, are you familiar with the -- are you familiar with any SOP dealing with how to handle an intoxicated person in public?
A In public? No, sir.
Q Okay. Are you familiar with or aware of any -- these questions deal with '05.
To your knowledge were there any SOPs dealing with identification of an intoxicated person?
A No, sir.
Q Okay. So just so I'm clear, to your recollection, I realize you don't have them in front of you, but there was no SOP at that time in '05 and none today dealing with either the identification or the handling of an intoxicated person in a public place?
A In a public place, no, sir.
Q Okay. By the way, does New Brunswick have a city shelter?
A Run by the city?

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Q Yes.
A No, sir.
Q Do you have a shelter run by any private organizations?
A I believe, I think Catholic Charities runs a homeless shelter.
Q If a police officer were to arrest an intoxicated person, where would he take him?
A Depending on how bad the individual is, sometimes right to Robert Wood Johnson University Hospital or to our police headquarters and then make a determination there whether EMS should be brought in.
Q Are you familiar with any national standards dealing with how to handle intoxicated persons by police officers in public?
A No, sir.
Q And by the way, when I say "in public" I'm referring to situations where -- such as a public park or some public space other than within a residence or building. Okay?
A I understand.
Q Do you know if there is a New Brunswick Police Department policy and procedure dealing with what a police officer is to do when he suspects a

person in public is intoxicated?
A No, sir.
Q No, there is not?
A No.
Q All right. Do you know if police officers receive training from any source in how to handle that situation?
A It's basic police academy.
Q And so you would expect each one of your police officers to be guided by what they learned in their basic police academy instruction?
A As well as the experience that they gain as they move along as a police officer, correct.
Q And when you say "experience," would that be experience in identifying a person who's intoxicated?
A True, yes.
Q Okay. So would that include identifying a person who is driving a motor vehicle who's intoxicated?
A Yes, sir.
Q Okay. And that the -- the knowledge that you expect your police officers to have about recognizing the signs of intoxication of a driver, let's say, is based upon their experience?

A Yes.
Q And also the training at their basic training?
A That -- you're talking about operation of a motor vehicle now?
Q Yes.
A There's specialized schools for that and our officers do go to those for recognizing signs of drunken driving.
Q Now, how often do they go to those schools?
A It depends on the officers. Officers have been sent to DWI school. There's a variety of schools out there that officers have been sent to.
Q Okay. So is it required training for each officer?
A No.
Q Okay. So do you know if Officer Feaster ever had that training?
A I do not know.
Q All right. Would there be some way to find that out?
A His training record.
Q So if I wanted to know, I'd have to look at his training record?

A Yes.
Q Is that separate from his personnel file?
A Yes.
Q What's contained in a personnel file; what are the topics of things that are kept there?
A Generally in the personnel file you're going to find, there's initial applications, any letters of merit, any transfers, any sustained disciplinary actions. I don't want to say that's it but that's basically what you're going to find in most personnel files.
Q What do you mean by "sustained disciplinary actions"?
A Sustained disciplinary action above a written reprimand and above -- they'll be notice of the -- of that placed in a personnel file.
Q Based upon your knowledge is there a or was there a policy and procedure in effect in 2005 which was -- whether there was a policy and procedure made available to the police officers so that they would know how to safely remove an intoxicated person from the street and remove him to a secure place?
A No, sir.
Q Do you know why?

A No, sir.
Q I know that you've answered this already by stating something else, but I'll ask it a different way:
Your department operates under the guidelines of the Attorney General's Office?
A Yes, sir.
Q To your knowledge were there any guidelines promulgated by the Attorney General's Office as of September of '05 as to how to recognize an intoxicated person?
A Not to my knowledge.
Q Or how about how to deal with an intoxicated person?
A As of 2005, sir?
Q Yeah, 2005, the year of this event.
A The only -- and I don't know if it's promulgated by the Attorney General's, was the Alcohol Treatment and Rehabilitation Act.
Q Okay.
A That's been around for some time.
Q And who puts that out?
A That was put out by -- that was passed by our state legislature, I believe, so....
Q Okay. And that's in your SOPs?

EXHIBIT B

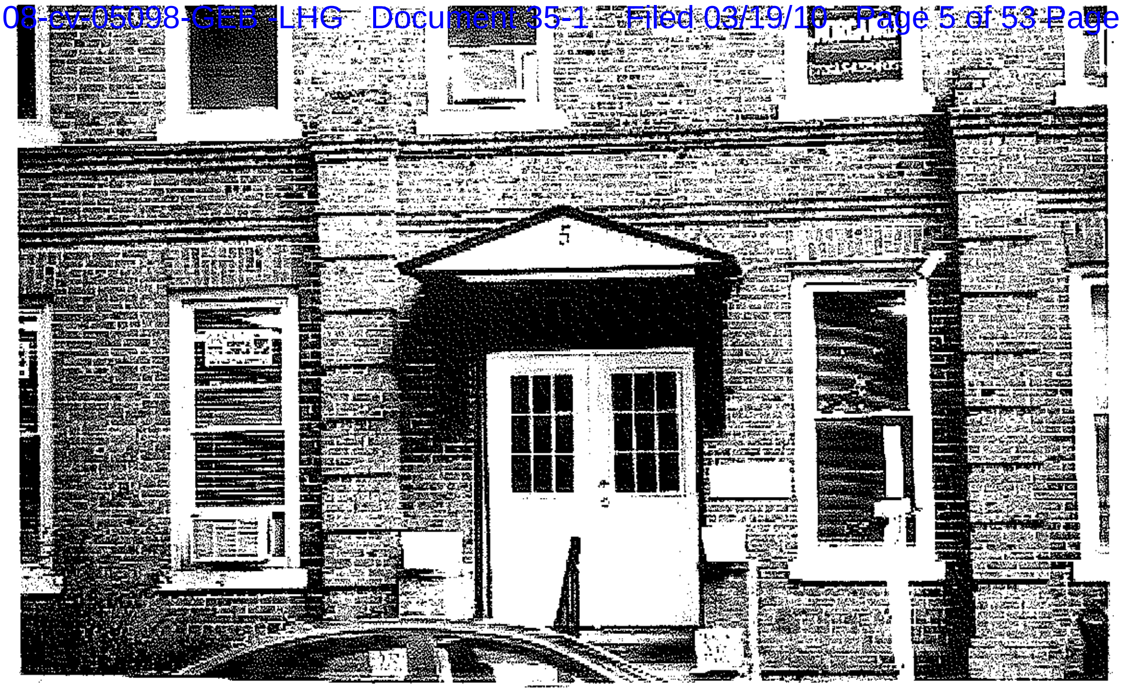
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EXHIBIT C

WILLIAMS ASSOCIATES, LLC
International Consultants

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• Police Policy, Practices & Procedures
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JAMES A. WILLIAMS

Michael Boswell

Plaintiff

v.

Steve Eoon, Kirstein Barnes
Christiana Eickman, Patrolman
James Feister, New Brunswick
Police Department, City of New
Brunswick, Et Al

Defendants

Supplementary Report of James A. Williams of J. A. Williams Associates, LLC, Consultants on Police Policy, Practice and Procedure.

1. On 12 December 2008, I prepared an Expert Report in the New Jersey case styled Boswell v. City of New Brunswick, Et Al. This report was prepared after careful audit and examination of police policy, practice and procedure mandates by members of the New Brunswick Police Department in the handling of intoxicated and homeless person (s). I focused my attention primarily on empirical driven experiences and mandated police training guidelines of the New Jersey Attorney General's Office Police Training Commission for Police Departments throughout the State of New Jersey. I have been retained to provide an expert opinion as to the appropriate or inappropriate standards of accepted police policy, practice and procedures by members of the NBPD when handling and providing safety and security to intoxicated and/or homeless persons as a normal course of expected duty.

2. I concluded my 12 December 2008 report by opining that Patrolman James Feister grossly failed to use due caution and failed to follow trained and known police procedures for the handling of intoxicated persons. By failing to even attempt to protect a clearly unstable person from injuring himself, Patrolman Feister not only allowed Mr. Michael Boswell to place himself in harms way, but in fact, ordered him from a place of safety to enter into a heavily traveled highway whereby he was struck down and run over by an oncoming motor vehicle.

3. Subsequent to the issuance of my report, I received additional information and documents relative to the three (3) areas of mandated police responsibilities outlined on page five (5) of my report. This new information included a deposition of James Feaster (believed to be previously listed as Patrolman James Feister) and Gary L. Lage, Ph.D. ,Toxi Logics. Toxi Logics is a company that provides Counsel in Toxicology and Risk Assessment.

3a). In the deposition of Patrolman James Feaster dated 15 July 2009, on page 44, he states that Mr. Boswell did not appear to be intoxicated or incoherent in any way. On page 46 he states that he retrieved a bottle of alcohol from under the park bench he had removed Mr. Boswell from. On page 47, he states he emptied the bottle and threw it into a trash can. On page 58, he states that he directed Mr. Boswell to exit the park toward Commercial Avenue and further states that he did not know that Mr. Boswell was homeless. On page 75, Patrolman Feaster relates that he had been trained to secure homeless persons in a shelter as a part of his mandated patrol officer duties and responsibilities. On page 84, he relates that he, in fact, had received initial police training and in-service training on how to recognize and interact with intoxicated person persons.

4. In the Expert Report of Dr. Gary L. Lage he opined with scientific certainty that Mr. Michael Boswell's level of Intoxication was the major causative factor in Mr. Boswell's inability to protect himself from injury.

4a). A review of deposition statements of Patrolman James Feaster wherein he indicates that Mr. Boswell was not intoxicated or incoherent is in direct opposition to the findings of Dr. Lage.

4b). The opinion of Dr. Gary Lage on 9 June 2009 parallels that of my concluding opinion on pages six (6) and seven (7) of my report submitted on 12 December 2008.

5. Having been provided the subsequent documents referenced above, I have had the opportunity to examine both. The examination of the conflicting statements in the instant case reinforces my stated opinions. There exists no factual documentation that Patrolman Feaster made an effort to provide mandated police policy and procedural requirements to safely remove an intoxicated and homeless Michael Boswell to a place of City provided shelter for safety and detoxification.

5a). As stated in my report, it is national police policy, including New Jersey, to safely remove intoxicated and homeless persons from the city streets to a place of security and detoxification. In my opinion, based upon my stated experience and expertise in law enforcement, Patrolman Feaster blatantly disregarded trained and known police policy and procedures of the State of New Jersey and requirements of the New Brunswick Police Department mandating the aforementioned handling of intoxicated and/or homeless persons.

With the inclusion of the aforementioned informational documents, I see no issues of fact that would differentiate my submitted report and hold that both documents, in my opinion, support my research and finding of in-appropriate and blatant disregard of standardized police policy, practice and procedure by Patrolman James Feaster and the New Brunswick Police Department.

18 August 2009

Respectfully submitted.

James A. Williams

EXHIBIT D

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Boswell?

MR. CORSON: I'll object to form. You can answer.

THE WITNESS: Did I believe it was reasonable for him not to?

BY MR. GALEX:

Q. Well, do I understand your conclusion is that he did not recognize any signs and symptoms?

A. Based on his report, yes --

Q. So --

A. -- that he did not.

Q. So basically what you're saying is that, forgetting what he did after that, but you concluded based upon his report, just his report --

A. Yes.

Q. -- that he did not believe that Mr. Boswell was intoxicated, correct?

MR. CORSON: I'll object to form. You can answer.

THE WITNESS: Yes.

BY MR. GALEX:

Q. And if he didn't believe that he was intoxicated, he had no further duty to assist Mr. Boswell; is that correct?

A. That's correct.

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Q. Alternatively, if he did believe that he was intoxicated, did he have the duty to Mr. Boswell?

A. You're asking me hypothetically?

Q. Yes.

A. Those are not the facts, but if he thought that Mr. Boswell was intoxicated he could have assisted him to his home or a place where he could be safely taken care of. He's under no obligation to do so.

Q. When you formed your opinions in this case did you conclude that Mr. Boswell was not intoxicated?

MR. CORSON: Object to form. You can answer.

THE WITNESS: I concluded that Officer Feaster did not feel that he was intoxicated, from his report.

BY MR. GALEX:

Q. I understand that, but you reviewed an awful lot of material. My question is based upon your review of the material did you form an opinion as to whether or not Mr. Boswell was intoxicated?

MR. CORSON: Same objection. You can answer.

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THE WITNESS: I saw nothing in the reports that would indicate that he was.

BY MR. GALEX:

Q. Did you see that he had a blood alcohol content of .24?

A. Yes, I did.

Q. And that would not lead you to conclude that he was intoxicated?

A. It would not lead me to believe that he was intoxicated or that he demonstrated that he was intoxicated.

Q. That's two different answers. You're saying that you found nothing in the record to indicate that he demonstrated any signs of intoxication; is that correct?

A. That's correct.

Q. But is it still your opinion that he was not intoxicated?

MR. CORSON: Object to form. You can answer.

THE WITNESS: I cannot state one way or another. I did not see Mr. Boswell at the time.

BY MR. GALEX:

Q. Okay. Well, based upon his blood alcohol level of .24 would that indicate to you, based upon

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your experience, that he was intoxicated?

A. No, sir, it wouldn't be. People demonstrate different levels of intoxication according to the amount of alcohol that they are used to consuming. I have seen people who are very intoxicated and yet don't show it, yet they blow a high level of reading on a breathalyzer, for example.

Q. That wasn't my question. Again, I'm not asking you about appearance or conduct. I'm asking you whether or not you concluded based upon the records you reviewed that he was or was not intoxicated?

A. I made no such conclusion.

Q. So you still make no such conclusion, right?

A. No, I do not.

Q. And in your experience as a police officer, if you arrested somebody who blew a .24 in a breathalyzer machine, would that help you to conclude that he was intoxicated?

A. If there was indications where I arrested him because I thought he was intoxicated and he blew a .24, certainly would be arrested for driving while under the influence of alcohol.

Q. Have you made arrests in your career of a DWI?
A. Yes, I have.
Q. And have you ever had a case where an individual passed the balance test but failed the breathalyzer test?
A. Yes.
Q. And if he passed the balance test but failed the breathalyzer would you still charge him with DWI?
A. If he failed a breathalyzer?
Q. Yes.
A. Yes.
Q. You never met Mr. Boswell, either; is that correct?
A. That's correct.
Q. You mention in your report that Officer Feaster identified the individual based upon his identification card; is that correct?
A. Yes, sir.
Q. Do you know whether or not he had a driver's license?
A. None was produced according to the report. His identification card included his name, his Social Security number and listed his address.

I believe it's 5 Elm Row in New Brunswick.
Q. Now, do you know where 5 Elm Row is in New Brunswick?
A. No, I do not.
Q. And you don't know if Officer Feaster knew where 5 Elm Row was, do you?
A. I have no idea.
Q. Did you know that Officer Feaster had 26 years of experience as a police officer in New Brunswick?
A. Yes, sir.
Q. And do you know whether -- do you know how large New Brunswick is in terms of square miles?
A. No, I do not.
Q. Do you know if Feaster ever knew that Boswell had ever been arrested in the past?
A. I believe during his deposition that he said that he didn't know Michael Boswell.
Q. In your review of the case did you find any evidence that Mr. Boswell ever spoke to Officer Feaster on the night of this incident?
A. Ever spoke to him? No.
Q. Did you understand that when Officer Feaster found Boswell he was asleep on a park bench?
A. I believe he was asleep on a park bench,

yes.
Q. And you also understood that he had a half a bottle of beer?
A. I understand that Officer Feaster saw the bottle after he had issued a summons to Boswell and Boswell was walking away.
Q. And do you know, was that a quart bottle?
A. It was an open quart container, half empty.
Q. Okay. So would it be feasible for an officer such as Feaster with 26 years experience who finds a person sleeping on a park bench at two o'clock in the morning with a half bottle of -- quart bottle of beer for him to assume that he drank the other half?
MR. CORSON: Object to form. You can answer.
THE WITNESS: I don't think an officer with 26 years experience would assume anything.
BY MR. GALEX:
Q. Doesn't an officer have a duty to accumulate information?
A. Yes, gather all the facts.
Q. And he didn't have any duty to make any inferences from what he sees?

A. From what he sees, yes.
Q. So in this case, if he sees somebody sitting on a bench or laying on a bench or sleeping on a bench at two o'clock in the morning with a half filled quart bottle of beer, he doesn't have any duty to assume that he drank the other half?
A. He could assume it if he felt that there was something wrong with the actions of Mr. Boswell.
Q. Well, would you think that that's a logical conclusion, that he drank the other half?
MR. CORSON: Object to form. You can answer.
THE WITNESS: It might be a logical conclusion, but it doesn't mean that Mr. Boswell was drunk or over what period of time the beer had been consumed.
BY MR. GALEX:
Q. Right, I understand, but that's not my question. The question was, if you find a person sleeping on a bench, a park bench at 2:00 in the morning with a half container of beer, can you -- would a reasonable officer conclude that he may have drank the other half?
MR. CORSON: Object to form. You can answer.

BY MR. GALEX:
Q. I didn't ask you what effects it has.
A. I believe the report indicated he didn't see the bottle of beer until after Boswell walked away.
Q. But he saw it while Boswell was in his presence?
A. As he was walking away and ripping up the summons.
Q. Now, let's talk a little bit about that.
Did Mr. Boswell follow Officer Feaster's directions?
A. He walked away toward the canal, I believe.
Q. Was that following his direction?
A. Officer Boswell told him to leave the park.
Q. Officer Feaster.
A. Officer Feaster, I'm sorry.
Q. Did Officer Feaster make a motion with his hand, directing him where to go?
A. Directing him away from the direction which he was headed towards the exit of the park.
Q. Have you ever been in this park?
A. No, sir.

Q. So you don't know the boundaries of the park?
A. No, I do not.
Q. If I told you that one side of the park was the Raritan River and a canal and the other side was Route 18, you wouldn't know that other than -- because you have no personal knowledge, correct?
A. I didn't see it as I'm driving down here, but I did not know it at the time.
Q. Well, if he told him to get out of the park and he walked towards the canal, would that fact indicate that he was not capable of following directions?
MR. CORSON: Objection, form. You can answer.
THE WITNESS: No, it would not.
BY MR. GALEX:
Q. Well, what would it indicate, if anything?
A. That he was following the officer's instructions and attempting to leave the park.
Q. Through the river?
A. I don't know what was in Mr. Boswell's mind.
Q. You would expect that Officer Feaster

would know the boundaries of the park; is that correct?
A. I certainly would expect him to, yes.
Q. And would it be a -- assuming that Officer Feaster believed that Mr. Boswell was in fact intoxicated, I'm asking a hypothetical, assume that he believed that he was intoxicated, would it be a breach of his duty to direct him across Route 18?
MR. CORSON: Object to form. You can answer.
THE WITNESS: You're asking me to comment on things that are not facts that I have in front of me, but to assume that officer -- or that Mr. Boswell was intoxicated. It would depend upon his degree of intoxication and whether or not he was capable of handling himself.
MR. GALEX: Could you read back the answer?
(Designated answer is read.)
BY MR. GALEX:
Q. So the answer to my question is it depends?
A. Yes. If you want to go by the definition of being intoxicated as far as driving and being

.08, he could certainly handle himself and not have to be taken home. In that were the case, everyone who drank in a bar would be taken home by a police officer.
Q. What about a person with a .24 blood alcohol reading?
A. If the person with a .024 showed signs of intoxication and incapacitation, yes.
Q. Yes, it would be a breach to send them across the highway, right?
A. If he was incapacitated and intoxicated, yes.
Q. Now, is it your understanding that Mr. Boswell, in fact, attempted to cross Route 18?
A. From what I've read from the statement from the witnesses, yes.
Q. If a person were intoxicated to the extent that he had a .24 blood alcohol level in his system, would you have an opinion as to whether or not it would be dangerous for that person to attempt to cross a four-lane highway such as Route 18 --
MR. CORSON: Object to form.
BY MR. GALEX:
Q. -- against the light? Let me finish the question. Against the light.

MR. CORSON: Same objection.
THE WITNESS: Once again you're asking me to comment on something that I do not have in front of me as facts. If the person was intoxicated, incapacitated and was told to cross a highway, certainly it would be wrong.
BY MR. GALEX:
Q. Again let's talk about what facts you do have. You do know that he had a .24 blood alcohol level, correct?
A. **I've read a report stating that, yes.**
Q. You have no reason to disbelieve that -- the doctors at the hospital when they tested his blood that his blood was in fact .24; is that correct?
A. **I also have no knowledge as to what medical procedures were performed upon him before that blood alcohol was taken.**
Q. But as an expert you're given certain facts to rely upon. One of the facts that you have is that he had a blood alcohol level of .24; is that correct?
A. **After the accident, yes.**
Q. And that would be three times the legal limit, correct?

A. **Yes, it would be three times the legal limit.**
Q. And you also know that he attempted to cross Route 18, correct?
A. **According to the witnesses in the accident, yes.**
Q. And did you know that Route 18 at the intersection of Commercial Avenue had four lanes divided by a center divider?
A. **From my report I believe there were three lanes in each direction and he had crossed the northbound lane, yes.**
Q. And where do you understand the accident to have taken place?
A. **In the southbound lane of Commercial Avenue.**
Q. So he had already gone across the northbound lane?
A. **Yes.**
Q. And he was then struck by two cars in the southbound lane, correct?
A. **Yes.**
Q. So, you knew that he had .24 blood alcohol level and you knew that he attempted to cross Route 18.

Did you also know what color the light was for him?
A. **According to the witnesses it was colored -- he crossed against the light. The traffic had the green light. He crossed a red light. He had a red light facing him.**
Q. So you have a person with a .24 reading who's crossing a major highway against the traffic light; is that correct?
A. **Yes, that's correct.**
Q. And would that be any indication to you that this person was intoxicated?
A. **Again, you would have to see the person and observe their observation [verbatim] of what they can do, how they control themselves, how they move, how they speak.**
Q. Okay. Well, you're starting with the assumption that everything that officer -- strike that.
You believe the testimony of Officer Feaster concerning his observations; is that correct?
A. **Yes, sir.**
Q. Now, assuming that Officer Feaster did suspect him to be intoxicated, did he have a duty to

remove him to a safe place?
A. **He may, according to the statute that covers the alcoholics. If intoxicated, he may move him to a safe place.**
Q. So you don't believe he must remove him to a safe place?
A. **Not unless he's intoxicated and incapacitated, I believe the statute reads.**
Q. Do you know where the nearest shelter was from this scene?
A. **No, I do not.**
Q. Do you know where the nearest shelter was from the scene where he was -- where this encounter took place?
A. **No, sir, I do not.**
Q. Do you know how far the hospital was from the scene of the encounter?
A. **No, sir, I do not.**
Q. Do you know how far away the police station was from the scene of the encounter?
A. **No, sir, I do not.**
Q. Do you know where Officer Feaster was sending him that night?
A. **I believe he was directing him to leave the park.**

Q. Do you know where he was sending him?

A. I don't believe he was sending him anywhere. I believe he was telling him to leave the park; it was illegal to be in the park after dark.

Q. Do you know what was across the street from the park?

A. No, sir, I do not.

Q. Do you have an opinion or is it your opinion that officer -- that if a person is intoxicated and incapacitated that an officer must remove him to a treatment center?

A. I believe that's what the statute says.

Q. All right. And does the statute define incapacitated?

A. The statute itself? I don't believe it does.

Q. Or intoxicated?

A. I don't believe that it does.

Q. Does he have a duty to recognize the signs of intoxication?

A. Yes, he has a duty to recognize it if it's obvious.

Q. Can you tell me what the signs of intoxication are?

A. Slurring of speech, the inability to

move, misunderstanding of directions, falling down, odor of alcohol.

Q. How about sleeping?

A. Sleeping could be one of the signs.

Q. It's your opinion that Boswell did not display any of those signs, right?

A. Yes, sir.

Q. And that's based upon Feaster's testimony.

A. Yes, sir.

Q. When Feaster told him to leave the park is it your understanding that he pointed in the direction that he wanted him to go?

A. It's my understanding that he told him that he could not stay in the park. When he started walking toward the canal he pointed in the opposite direction.

Q. So the answer is yes, he pointed in the direction where he was to go?

A. Yes.

Q. Which would be Route 18, correct?

Is it your understanding that Feaster did not point in the direction that he was to go before he started to walk through the park?

A. If I recall correctly, he did not. Just

told him he had to leave the park.

Q. When Boswell -- did you understand that Boswell tore up the ticket?

A. Yes, sir.

Q. And did you place any significance on that act?

A. Just that he's probably annoyed because he received a summons and had to move.

Q. Would that be an act of defiance?

A. An act of defiance? Yes.

Q. Would you say that a person who receives a summons and then rips it up in the face of the police officer has an impaired judgment?

A. I think it depends upon his emotional state. He could be angry. I've seen it happen where people rip up tickets and throw it out and when they get locked up they wonder why.

Q. Well, the fact that he tore up the ticket within eye shot of Feaster might also indicate a lack of judgment on his part; is that correct?

A. On the part of Boswell's?

Q. Boswell ripping up the ticket in the face of Feaster, would that not be some evidence of lack of judgment?

A. It's more of an act of being angry of

receiving a summons.

Q. I understand that. My question is could it also be poor judgment?

A. Could it also be? Yes, I imagine it could also be.

Q. So it's not exclusively defiance, right, or anger? I think you said anger.

A. I don't know what was in Mr. Boswell's mind at the time he did it, but I would just imagine that he would be unhappy receiving a summons.

Q. Well, Feaster didn't know what was in Boswell's mind either, right?

A. That's right.

Q. Feaster had a duty to observe what he was doing, right?

A. That's right.

Q. And Feaster had a duty to recognize the signs of intoxication; is that correct?

A. If they were present.

Q. That wasn't my question. My question is did he have a duty to recognize the signs of intoxication?

A. And my answer, if they were present, he had the duty, yes.

Q. Well, even if they weren't present, he

EXHIBIT E

was 2.44?

A. .244.

Q. I'm sorry, thank you, .244.

A. Percent, correct.

Q. And then you go on to discuss the difference between the whole blood samples and the serum samples.

A. Correct.

Q. Is it your opinion that this was his blood alcohol level at the time of the accident at approximately 40 minutes earlier?

A. As I indicated in my report, it would depend on when his last consumption was prior to the accident. It could have been as high as a .25. It could have been as low as approximately .23. And that's based on the assumption that from my understanding of the reports that what he was found with was a bottle or what he had was a bottle of beer, not a bottle of spirits.

Q. Is it fair to say that the figures that you estimated in terms of range of blood alcohol level is slightly higher or slightly lower?

A. Yes. And if I could explain that, the reason for that would be if he had consumed beers just before the accident it might not have been absorbed at the time of the accident, but would have been by the time they took the blood test. So he would be going up and then down versus if he hadn't consumed anything for a period of time, then he would have been higher at the time of the accident.

Q. Right. Actually, thank you for explaining that because you just anticipated my next question.

A. Good.

Q. So that works. Did you at any point in time have an opportunity to review the plaintiff's expert report from Dr. Saferstein (phon)?

A. I glanced at it about ten minutes before you got here. I have not reviewed it.

Q. Did your absorption of the contents, based on the glance, did that change your opinions that you state in your report in any way?

A. No, it didn't, but I didn't look at it other than I think I looked at his conclusion.

Q. So based on what you read were you critical of it in any way?

A. No.

Q. I want to draw your attention to the chart on page 3 where you discuss the typical effects of alcohol intoxication.

A. Correct.
Q. The ranges that you state begin at .01 to .05 and end at over .40. And it looks like .40 and over is comatose and near death, but definitely loss of consciousness, correct?
A. When somebody gets over a .40 they are usually unconscious, yes.
Q. And you state below the chart that Mr. Boswell's blood alcohol level was .244 percent which would place him within the range of .20 and .40; is that correct?
A. Correct.
Q. And you also describe in the chart that that level of intoxication affects the cerebellum; is that correct?
A. That's primarily the level of the brain that's affected when you get into those blood alcohol levels, not to say that the others aren't also affected. I mean this is a continuum from one, top to bottom.
Q. So what you're saying is as the blood alcohol level increases, more and more of the areas of the brain are affected, including the frontal lobe, the psychomotor and the cerebellum in this case?

A. Correct.
Q. Is there anything you can tell me in terms of -- well, before I ask that question, just want to state for the record, would it be fair to say then that all of these areas were affected based on Mr. Boswell's level of intoxication, all of these areas that we just mentioned were affected?
A. These are typical -- you would expect that they would be affected in a typical individual, yes.
Q. And for the frontal lobe it's decreased inhibition, diminished judgment?
A. Correct.
Q. Dulling of attention, sedation, impaired coordination?
A. Correct.
Q. That's all the frontal lobe?
A. That's basically frontal lobe, yes.
Q. And can you just describe for me, I should have asked this earlier, what the frontal lobe controls?
A. Thought processing, primarily --
Q. And what does the psycho --
A. -- cognition.
Q. I'm sorry. Cognition?

A. Cognition.
Q. I have a tendency to talk over people.
A. Me, too.
Q. And the --
A. I just did it again.
Q. And the psychomotor area of the brain, what does that control?
A. More balance.
Q. So an affected area typically in a person with a .10 to .20 level of intoxication would demonstrate effects of disorientation, impaired balance and slurred speech?
A. That's the range you would begin to see those effects in the typical individual, yes.
Q. What does the cerebellum control?
A. Cerebellum is more primitive in terms of brain process. It's less involved with cognition and more involved again with, you know, motor functions.
Q. Motor functions being movement of the body.
A. Correct.
Q. And one of the categories in the chart is Stage of Alcohol Influence.
What does stupor mean?

A. No. As I said, that .2 to .4 is a very broad range and it means certainly by the end of that range you would expect to see most, if not all, of those effects in a typical individual.
Q. Okay. Thank you.
Is it your opinion that a person who is untrained in observing alcohol intoxication in a person can recognize that a person within this range of intoxication would be intoxicated?
A. Within the .2 to .4?
Q. Yes, correct.
A. Yes. The science would say that the overwhelming majority of people are visibly intoxicated above a .15.
Q. So what would the person -- the untrained person typically be seeing?
A. They'd be seeing things like lack of coordination, slurred speech, loud and boisterous, inability to -- well, I already said lack of coordination.
Q. Is there any difference between what a person untrained in alcohol intoxication detection and a person trained in alcohol detection would observe?
A. To some extent. I mean I think that a

person trained in alcohol detection would be more observant of some of the signs and symptoms and effects of alcohol than somebody who's not trained, but I don't think it's an all or none. It's different stages that people would be more observant.

Q. Can you -- when you say different stages, I don't know what that means. Where are you?

A. Well, I'm saying that somebody who's trained is going to be more observant to the signs and symptoms than somebody who's not trained. That doesn't mean that somebody that's not trained, if they were as observant, wouldn't pick up the same things.

Q. Okay. Thank you. At the bottom of the page, below the chart, you state that Michael Boswell's blood alcohol level of 2.44 [verbatim] percent, comma, he would be markedly impaired.

What does markedly impaired mean?

A. Means he -- impaired in that context would mean he would have lack of coordination. Certainly he would, you know, not be able to -- not be able to function correctly, probably not be able to walk correctly.

Q. Anything else?

A. Well, as I go on in that next sentence, that in addition to these things which were in the chart, which are more observable effects, I go on to say that at that blood alcohol level you would have impaired reaction time, markedly delayed reaction times and impaired vision, including depth perception, night vision and peripheral vision. All of those are impaired when you get to a blood alcohol level even approaching this number.

Q. Would a trained observer be able to detect impaired vision in someone intoxicated at this level, such as Mr. Boswell?

A. No. That's what I said; they're not things that are observable. They are effects that affect the individual, but an outside observer is not going to be able to tell whether you can see or not.

Q. When you make the -- when you draw these conclusions are you basing that on any text or writing? Or specific text or writing I guess is what I'm asking.

A. Which conclusions?

Q. The conclusions that we just discussed.

A. Well, okay. All right. The effects of alcohol on individuals, you know, it's not a new

drug. It's been around for several thousand years and we have a wealth of information on it. There are numerous texts and references that are available to discuss the effects of alcohol on people. I think I reference at least one at the end of my report. You could also go to any good pharmacology or toxicology textbook and find the same things because it has probably been the most studied drug, you know, in history.
Q. Okay. Thank you.
You state in your report, in your conclusory paragraph, that it is your opinion that he -- I have to make sure I'm quoting the right thing. One second.
You state it's your opinion that Mr. Boswell's level of intoxication was the major causative factor in the accident.
Prior to the accident would you expect someone who encountered Mr. Boswell, such as Officer Feaster, to have observed signs of intoxication in him with a blood alcohol level of 2.44?
A. .244.
Q. .244. I'm sorry. I keep doing that.
A. Yeah.
Q. What would you have expected that person,

well.
Q. Can you tell me, if you know, it may not be clear, the contents of the file that you have on this -- in this matter, is that --
A. It's material that I listed on page 2.
Q. Can you tell me what the -- legally the blood alcohol level needs to be to determine if someone is alcohol intoxicated?
MR. CORSON: Object to form.
THE WITNESS: I could tell you in terms of incapable of safe driving under the DUI or DWI laws and that's .08. He's three times that level.
MS. GLICK: Okay. Thank you.
BY MS. GLICK:
Q. Are there visible effects of alcohol intoxication that are observable at that level?
A. At .08?
Q. No, I'm sorry, at Mr. Boswell's level of intoxication.
A. Yes. As we've talked about.
Q. And are they observable by a trained police officer?
MR. CORSON: Object to form.
MS. GLICK: That's fine. You can answer.
THE WITNESS: At his blood alcohol level?

MS. GLICK: That's correct.
THE WITNESS: I would expect him to be, yes.
BY MS. GLICK:
Q. And as you state in your concluding paragraph, would -- well, let me state this in the form of a question.
Would things that would be observable or would evidence of alcohol intoxication that would be observable include delayed reaction times and impaired coordination?
A. Delayed reaction time is not an observable effect. That's something that you would have to test for. Impaired coordination would be observable.
Q. Are you familiar with Route 18, the area where this accident happened?
A. Not specifically, no.
Q. So your familiarity with -- well, let's see.
Your knowledge of this accident comes directly from the records you reviewed, including the police report?
A. Correct.
Q. So based on the records that you've

EXHIBIT F

PAGE 01 OF 26

NEW JERSEY POLICE ACCIDENT REPORT

X REPORTABLE ☐ NON-REPORTABLE 05 - 37438

43 CASE NUMBER: 05-37438
44 POLICE DEPARTMENT OF: NW BRUNS CITY — CODE: 01
45 STATION/PRECINCT:

ACCIDENT OCCURRED: Route 18 - South
X 52 ROAD NAME ☐ STREET ADDRESS
X AT INTERSECTION WITH ☐ FEET ☐ MILES ☐ METERS ☐ Km ☐ NORTH ☐ SOUTH ☐ EAST ☐ WEST OF: COMMERCIAL AVE
53 ROUTE NO. SUFFIX — 54 MILEPOST — 55 — 56 — 57 — 58 ROAD NAME
RAMP? X NO ☐ YES FROM: — 59 (ROUTE NO.) ☐ NB ☐ EB ☐ SB ☐ WB — 60 — TO: — 61 (ROUTE NO.) ☐ NB ☐ EB ☐ SB ☐ WB — 62

46 DATE OF COLLISION (MONTH DAY YEAR)	47 DAY OF WEEK	48 TIME (USE 2400 HRS.)	49 MUNICIPALITY CODE	50 TOTAL KILLED	51 TOTAL INJURED
09 04 05	(S) M Tu W Th F S	0216	1214	—	01

63 LATITUDE — 64 LONGITUDE

	VEH. NO. 1	VEH. NO. 2
POLICY NO. (65 / 88)	A02-238-405163-70-5	2142414D
INS. CODE (66 / 89)	182	
☐ PARKED ☐ PED ☐ BICYCLIST ☐ RESPONDING TO AN EMERGENCY ☐ HIT & RUN		
DRIVER'S FIRST NAME / INITIAL / LAST NAME (67 / 90)	STEVE W EOON	KIRSTEN M BYRNES
NUMBER AND STREET (68 / 91)	7 ELAINE ROAD	743 HARRISON AVE APT 8
CITY / STATE / ZIP / EXPIRES (69 / 92)	EAST BRUNSWICK NJ — 02-06	HARRISON NJ — 02-06
DRIVER'S LICENSE NUMBER (70 / 93)	E6501 72386 10658	B9684 43574 16076
STATE / DOB / EYES / SEX (71–74 / 94–97)	NJ 06 10 65 / BR / M	NJ 10 19 76 / BR / F
OWNER'S FIRST NAME / INITIAL / LAST NAME (75 / 98)	X SAME AS DRIVER	☐ SAME AS DRIVER — CHRISTINA M EICKMAN
NUMBER AND STREET (76 / 99)		SAA
CITY / STATE / ZIP / EXPIRES (77 / 100)	02-06	SAA — 09-06
MAKE AND MODEL / COLOR / YEAR / PLATE NO. / STATE (78–81 / 101–104)	VW GTI / SL / 00 / SCNJOY / NJ	HON CIV / BL / 01 / RTT38A / NJ
VIN NUMBER (82 / 105)	WVWDC21JXYW465129	1HGEM22951L061272
VEHICLE REMOVED TO (83 / 106)	Pulcio's — X TOWED ☐ DRIVEN — AUTHORITY 3 (1 OWNER 2 DRIVER 3 POLICE)	Pulcio's — X TOWED ☐ DRIVEN — AUTHORITY 3

CLOCKPOINT DIAGRAM: 12 FRONT, 1, 2, 3, 4, 5, 6 REAR, 7, 8, 9, 10, 11
13 ROOF 14 UNDERCARRIAGE 15 OVERTURNED 16 TOTALLED 17 NONE 18 OTHER *

85 AREAS DAMAGED — INITIAL IMPACT / PRINCIPAL IMPACT
VEH. 1: 7 / 18
VEH. 2: 13 / 14

86 POSTED SPEED: 45

87 ACCIDENT DIAGRAM — INDICATE NORTH
See Pages 3 Thru 7

EXHIBIT B-1 Fald. 1/7/10

108 ALCOHOL DATA
DRV. 1: X NO ☐ YES ☐ REFUSED — TEST GIVEN ☐ BREATH ☐ BLOOD ☐ URINE — RESULTS 0.__%
DRV. 2: X NO ☐ YES ☐ REFUSED — TEST GIVEN ☐ BREATH ☐ BLOOD ☐ URINE — RESULTS 0.__%
PED.: X NO ☐ YES ☐ REFUSED — TEST GIVEN ☐ BREATH ☐ BLOOD ☐ URINE — RESULTS 0.__%

109 HAZARDOUS MATERIAL ON BOARD / SPILL — V1 ☐ ☐ V2 ☐ ☐ — PLACARD NUMBER
110 USDOT CARRIER NO. V1 — V2 —
111 ICC CARRIER NO. V1 — V2 —
112 VEHICLE WEIGHT (GVW) V1 ___ lbs. V2 ___ lbs.
113 CARRIER NAME V1 — V2 —

114 ACCIDENT DESCRIPTION: Box 85 V1 Principal Impact Windshield

PED walked out into the left travel lane of Route 18 South bound against green traffic signal, and was struck by V1. PED landed in center travel lane where he was then run over by Veh. 2

115 DAMAGE TO OTHER PROPERTY: None

OPER. — 116 CHARGE — SUMMONS NUMBER — OPER. — 117 CHARGE — SUMMONS NUMBER

NUMBER OF VEHICLES 122: 02

118 OFFICER'S SIGNATURE: [signature] — 119 BADGE NUMBER: 5123 — 120 REVIEWED BY: [signature] BADGE NUMBER: 4131 — 121 STATUS ☐ PENDING X COMPLETE

	17	18	19	20	21	22	23	24	25	26	27	NAMES & ADDRESSES OF OCCUPANTS—IF DECEASED DATE & TIME OF DEATH
A	1	1	—	1	47	M	—	—	09	04	—	Driver 1
B	1	3	—	1	41	F	—	—	09	04	—	Samanta Eoon
C	2	1	—	1	28	F	—	—	09	04	—	Driver 2
D	2	3	—	1	24	F	—	—	09	04	—	Christina Eickman
E	2	4	—	1	25	F	—	—	04	04	—	Kelly Bramwell 709 William St Harrison N.J.

PAGE 02 OF 26

NEW JERSEY POLICE ACCIDENT REPORT

☒ REPORTABLE ☐ NON-REPORTABLE

28: 2|6

43 CASE NUMBER: 05-37438

44 POLICE DEPARTMENT OF: NW BRUNS CITY — CODE: 101

45 STATION/PRECINCT:

ACCIDENT OCCURRED ON: Route 18 - SouTH

☒ 52 ROAD NAME ☐ STREET ADDRESS

53 ROUTE NO. SUFFIX — 54 MILEPOST

☒ AT INTERSECTION WITH ☐ FEET ☐ MILES ☐ METERS ☐ Km — 55, 56 — ☐ NORTH ☐ EAST ☐ SOUTH ☐ WEST — 57 — OF: Commercial AVE

58 ROAD NAME

RAMP? ☒ NO ☐ YES — FROM: 59 (ROUTE NO.) ☐ NB ☐ EB ☐ SB ☐ WB 60 — TO: 61 (ROUTE NO.) ☐ NB ☐ EB ☐ SB ☐ WB 62

46 DATE OF COLLISION (MONTH DAY YEAR): 09 04 05

47 DAY OF WEEK: (S) M Tu W Th F S

48 TIME (USE 2400 HRS.): 0216

49 MUNICIPALITY CODE: 1214

50 TOTAL KILLED: —

51 TOTAL INJURED: 01

63 LATITUDE — 64 LONGITUDE

Left margin: 1: 01 — 2: 03 — 3: — — 4: 2 — 5: 1 — 6: 1 — 7: 1 — 8: 1 — 9: — — 10: — — 11: — — 12: — — 13: — — 14: — — 15: 2 — 16: 1

Right margin: 29: — — 30: — — 31: — — 32: — — 33: — — 34: 3 — 35: — — 36: — — 37: 2 — 38: — — 39: — — 40: — — 41: — — 42: —

Vehicle 1

VEH. NO. — 65 POLICY NO. — 66 INS. CODE

☐ PARKED ☒ PED ☐ BICYCLIST ☐ RESPONDING TO AN EMERGENCY ☐ HIT & RUN

67 DRIVER'S FIRST NAME: Michael — INITIAL — LAST NAME: BoswELL

68 NUMBER AND STREET: HomeLess

69 CITY — STATE — ZIP — EXPIRES

70 DRIVER'S LICENSE NUMBER — 71 STATE — 72 DOB (MO. DAY YR.): 073057 — 73 EYES: 2 — 74 SEX: M

75 OWNER'S FIRST NAME — INITIAL — LAST NAME — ☐ SAME AS DRIVER

76 NUMBER AND STREET

77 CITY — STATE — ZIP — EXPIRES

78 MAKE AND MODEL — COLOR — 79 YEAR — 80 PLATE NO. — 81 STATE

82 VIN NUMBER

83 VEHICLE REMOVED TO — ☐ TOWED ☐ DRIVEN — 84 AUTHORITY: 1 OWNER 2 DRIVER 3 POLICE

Vehicle 2

VEH. NO. — 88 POLICY NO. — 89 INS. CODE

☐ PARKED ☐ PED ☐ BICYCLIST ☐ RESPONDING TO AN EMERGENCY ☐ HIT & RUN

90 DRIVER'S FIRST NAME — INITIAL — LAST NAME

91 NUMBER AND STREET

92 CITY — STATE — ZIP — EXPIRES

93 DRIVER'S LICENSE NUMBER — 94 STATE — 95 DOB (MO. DAY YR.) — 96 EYES — 97 SEX

98 OWNER'S FIRST NAME — INITIAL — LAST NAME — ☐ SAME AS DRIVER

99 NUMBER AND STREET

100 CITY — STATE — ZIP — EXPIRES

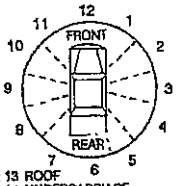
101 MAKE AND MODEL — COLOR — 102 YEAR — 103 PLATE NO. — 104 STATE

105 VIN NUMBER

106 VEHICLE REMOVED TO — ☐ TOWED ☐ DRIVEN — 107 AUTHORITY: 1 OWNER 2 DRIVER 3 POLICE

Diagrams and Data

CLOCKPOINT DIAGRAM



13 ROOF
14 UNDERCARRIAGE
15 OVERTURNED
16 TOTALLED
17 NONE 18 OTHER •

85 AREAS DAMAGED — INITIAL IMPACT — PRINCIPAL IMPACT

VEH. 1 ☐ ☐

VEH. 2 ☐ ☐

86 POSTED SPEED

87 ACCIDENT DIAGRAM — INDICATE NORTH

108 ALCOHOL DATA

DRIV. 1 — TEST GIVEN: ☐ NO ☐ YES ☐ REFUSED — ☐ BREATH ☐ BLOOD ☐ URINE — RESULTS 0.__%

DRIV. 2 — TEST GIVEN: ☐ NO ☐ YES ☐ REFUSED — ☐ BREATH ☐ BLOOD ☐ URINE — RESULTS 0.__%

PED. — TEST GIVEN: ☐ NO ☐ YES ☐ REFUSED — ☐ BREATH ☐ BLOOD ☐ URINE — RESULTS 0.__%

109 HAZARDOUS MATERIAL — ON BOARD — SPILL — PLACARD NUMBER

V1 ☐ ☐

V2 ☐ ☐

110 USDOT CARRIER NO. — V1 — V2

111 ICC CARRIER NO. — V1 — V2

112 VEHICLE WEIGHT (GVW) V1 ____ lbs. V2 ____ lbs.

113 CARRIER NAME — V1 — V2

114 ACCIDENT DESCRIPTION

115 DAMAGE TO OTHER PROPERTY

NUMBER OF VEHICLES 122: 02

OPER. — 116 CHARGE — SUMMONS NUMBER

OPER. — 117 CHARGE — SUMMONS NUMBER

118 OFFICER'S SIGNATURE: [signature]

119 BADGE NUMBER: 5123

120 REVIEWED BY — BADGE NUMBER

121 STATUS: ☐ PENDING ☒ COMPLETE

	17	18	19	20	21	22	23	24	25	26	27	NAMES & ADDRESSES OF OCCUPANTS—IF DECEASED DATE & TIME OF DEATH
A	P	—	2	—	46	M	12	3	—	—	6202	Michael BoswELL
B												
C												
D												
E												

RECORD BUREAU COPY — 123 DEP CASE NUMBER

PAGE 03 OF 26

STATE OF NEW JERSEY

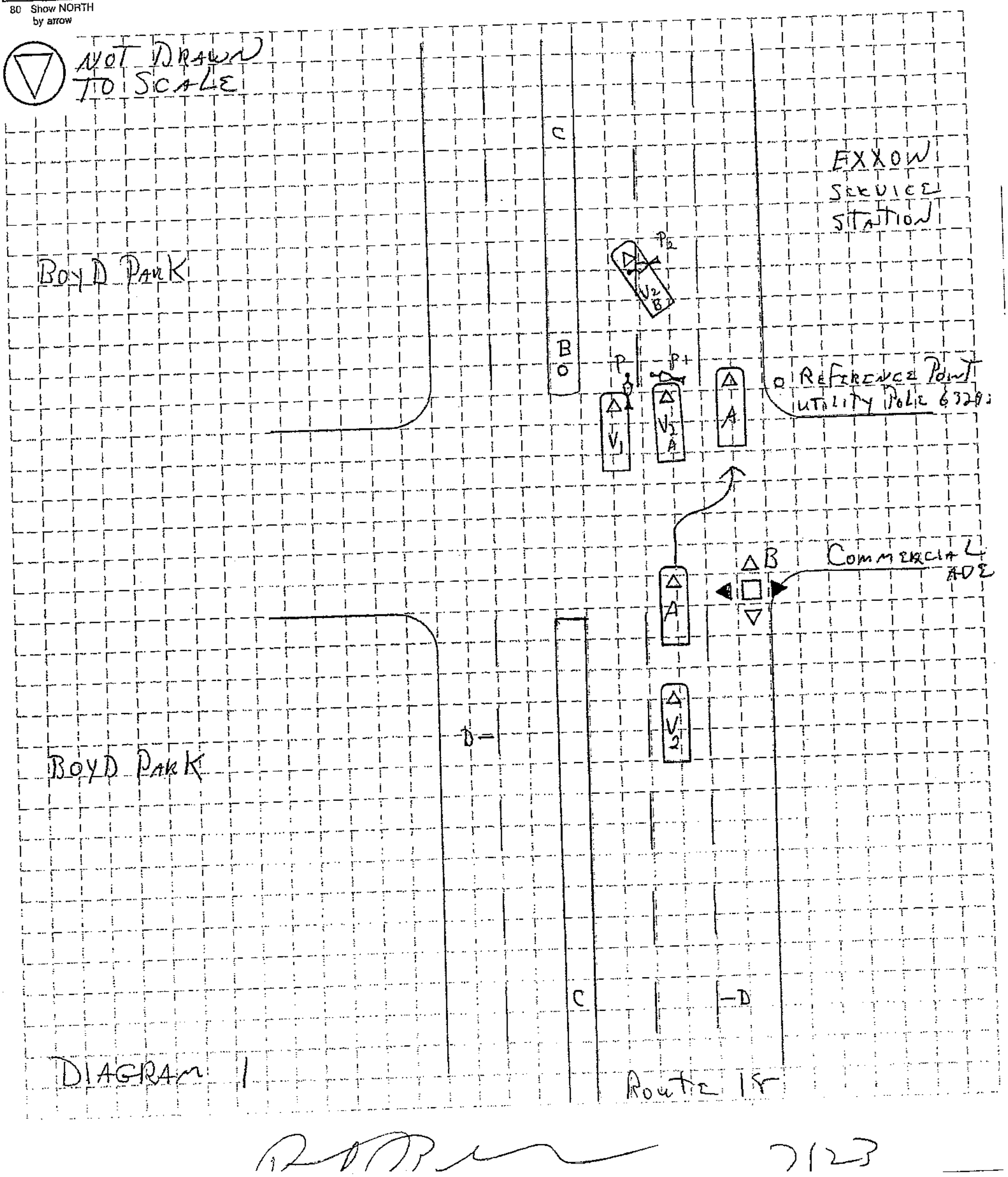
MOTOR VEHICLE ACCIDENT DIAGRAM

Police Agency New Brunswick City

Station

Case No. 05-37438

80 Show NORTH by arrow



NOT DRAWN TO SCALE
BOYD PARK
EXXON SERVICE STATION
REFERENCE POINT UTILITY POLE
COMMERCIAL AVE
BOYD PARK
DIAGRAM 1
ROUTE 18

PAGE 04 OF 26

STATE OF NEW JERSEY
MOTOR VEHICLE ACCIDENT DIAGRAM

Police Agency New Brunswick City
Station
Case No. 05-37438

80 Show NORTH by arrow

LEGEND

V1- VEHICLE 1 TRAVELING SOUTH IN LEFT TRAVEL LANE

V2- VEHICLE 2 TRAVELING SOUTH IN CENTER TRAVEL LANE

V2A - VEHICLE 2 RUNNING OVER PEDESTRAIN LYING IN CENTER TRAVEL LANE

V2B - VEHICLE 2 COMING TO REST AFTER RUNNING OVER PEDESTRAIN AND DRAGGING HIM

A - NON-CONTACT VEHICLE TRAVELING SOUTH IN CENTER TRAVEL LANE OPERATOR ALSO WITNESS

B- TRAFFIC SIGNALS

▽- INDICATES TRAFFIC SIGNAL IS GREEN

C- CONCRETE BARRIER

D- INTERMITTEN WHITE LINES

P- PEDESTRAIN CROSSING RT 18 SOUTH AGAINST GREEN LIGHT AND BEING STRUCK BY VEHICLE 1

P1- PEDESTRAIN LYING IN CENTER TRAVEL LANE BEING STRUCK BY VEHICLE 2 RUN OVER

P2- PEDESTRAIN DRAGGED AND REMAINING UNDER VEHICLE 2

LEGEND 1

[signature] 7123
Badge Number

STATE OF NEW JERSEY

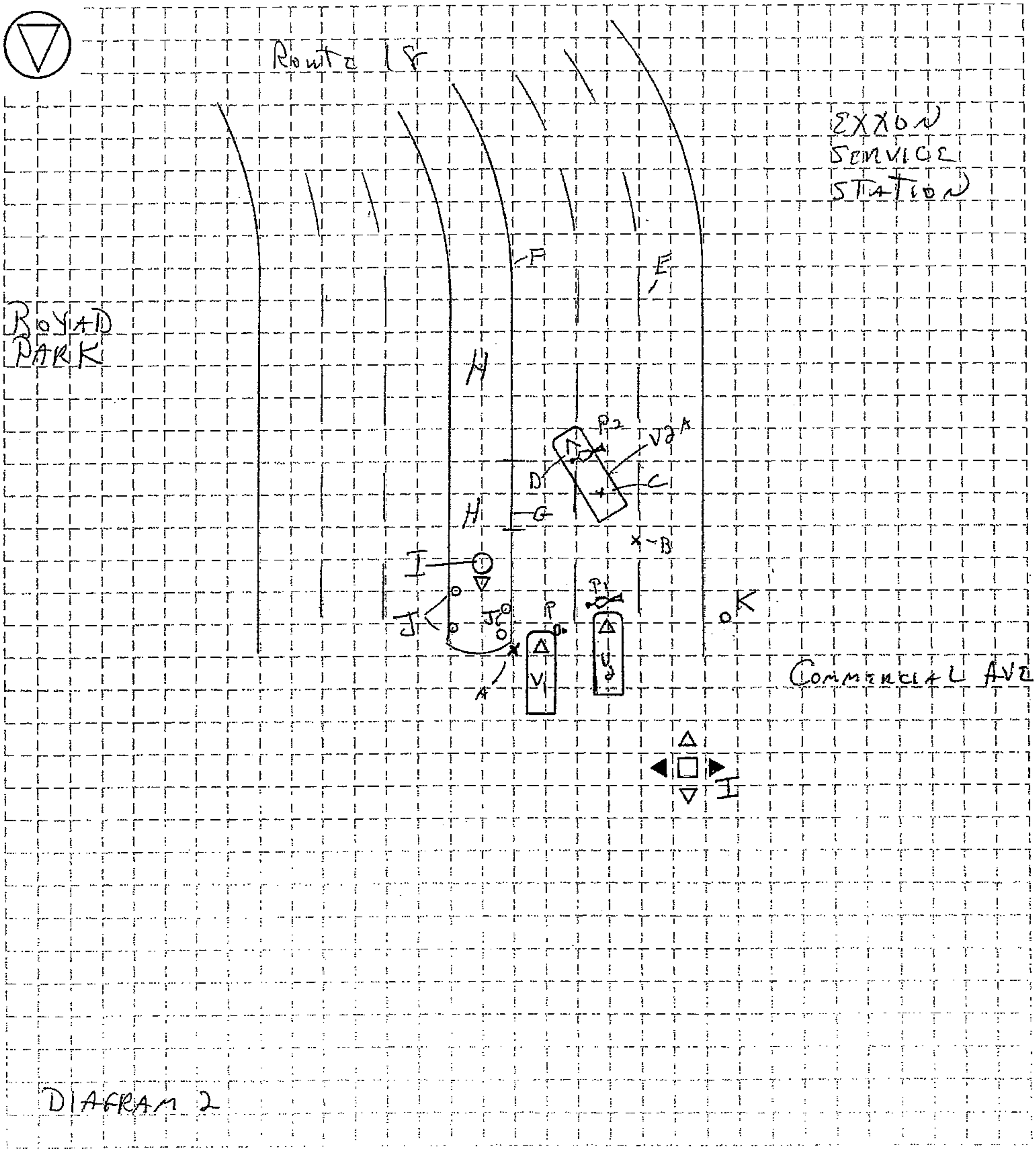
MOTOR VEHICLE ACCIDENT DIAGRAM

Police Agency New Brunswick City

Station

Case No. 05-37438

80 Show NORTH by arrow


Route 18
EXXON SERVICE STATION
BOYAD PARK
COMMERCIAL AVE
DIAGRAM 2

7123

PAGE 06 OF 26

STATE OF NEW JERSEY
MOTOR VEHICLE ACCIDENT DIAGRAM

Police Agency New Brunswick City
Station
Case No. 05-37438

80 Show NORTH by arrow

LEGEND

V1- VEHICLE 1 LEFT LANE STRIKING PED

V2- VEHICLE 2 CENTER LANE RUNNING OVER PED

V2A- VEHICLE 2 DRAGGING PED APPROX. 36 FT. COMING TO REST

P- PED STEPPING INTO AND CROSSING LEFT LANE AGAINST GREEN SIGNAL

P1- PED AFTER STRUCK BY V1 LYING IN CENTER LANE

P2- PED TRAPPED UNDER V2 PED LYING ON HIS LEFT SIDE FACE FACING SOUTH

A- PED'S RED BASEBALL CAP

B- PED'S RED SNEAKER

C- PED'S CELL PHONE

D- BLOOD SPOTS AND BODY FLUID

E- Intermitten WHITE LINES

F- CONCRETE BARRIER

G- GUIDE RAIL

H- GRADED GRAVEL

LEGEND 2

[signature] 2123

PAGE 07 OF 26

STATE OF NEW JERSEY
MOTOR VEHICLE ACCIDENT DIAGRAM

Police Agency New Brunswick City
Station
Case No. 05-37438

80 Show NORTH by arrow

LEGEND

I - TRAFFIC SIGNALS

▽ - INDICATES GREEN SIGNAL

J - ORANGE COLORED TRAFFIC BARRELS AND CONES

K - REFERENCE POINT UTILITY POLE 63292

* NOTE - ALL STREET LIGHTING OPERABLE

* NOTE - THERE IS 44 3 FROM THE SOUTH BOUND BEGINNING OF THE OLD GRASS MEDIUM TO THE START OF THE GUARD OR GUIDE RAIL

LEGEND 2

Motor Vehicle Accident

Police Agency: NEW BRUNSWICK CITY
Location: RT. 18 S/B - COMMERCIAL

Table of Measurements

Date: 09-04-05 Time: 0216

Dept. Case # 05-37438

Define References: RL1, RL2, RP1, RP2, etc.

RP1 - UTILITY POLE NUMBER 63292

IDENTIFY OBJECT / LOCATION	N	S	E	W	RP 1	RP 2
RP1 TO CENTER LANE	—	—	—	—	—	—
WEST WHITE LINE			29			
			-			
RED BASEBALL CAP	18^{3}		22			
V1 D/S REAR TIRE		17^{5}	19^{9}			
V1 P/S REAR TIRE		17^{5}	14^{7}			
V1 D/S FRONT TIRE		25^{5}	20^{5}			
V1 P/S FRONT TIRE		25^{5}	14^{3}			
RED SNEAKER		23^{7}	4^{5}			
V2 D/S REAR TIRE		44^{7}	12^{7}			
V2 P/S REAR TIRE		45^{11}	7^{1}			
CELL PHONE		45^{1}	8^{7}			
LARGE BLOOD SPOT		50^{8}	11^{6}			
SMALL BLOOD SPOT		52	11^{4}			
BODY FLUID - SALIVA		52^{9}	11^{3}			
V2 D/S FRONT TIRE		53^{1}	14^{5}			
V2 P/S FRONT TIRE		54^{6}	9^{4}			

Assisting Officer: OFFICER FEISTER Badge #

Investigating Officer: OFFICER BARBER Badge # 7123

NEW BRUNSWICK POLICE DEPARTMENT

25 KIRKPATRICK STREET
NEW BRUNSWICK, NJ 08901

TEL. (732) 745-5005
FAX (732) 514-0640

MECHANICAL INSPECTION REPORT

INVESTIGATING OFFICER: BARBER

DATE OF INCIDENT: 09-04-2005

DESCRIPTION OF VEHICLE

MAKE: VW MODEL: GTI

YEAR: 2000 ODOMETER: 126540

VIN: WVWDC21JXYW465128 COLOR: SILVER

REG: SCN-30Y STATE: N.J.

INSPECTION STICKER: 02-2006

ENGINE: 2.0 LITER Trans. 5 SPEED MANUAL

DAMAGED AREA: P/S FRONT FENDER - WINDSHIELD - ROOF

TIRE INSPECTION

	SIZE/BRAND	TREAD DEPTH	AIR PRESSURE	COMMENTS
LEFT FRONT	MICHELIN 195 65 R15	5/32	26	
RIGHT FRONT	MICHELIN 195 65 R15	2/32	30	FRONT DRIVE TIRE FRONT WHEEL DRIVER
LEFT REAR	MICHELIN 195 65 R15	5/32	30	
RIGHT REAR	MICHELIN 195 65 R15	5/32	30	

STEERING: GOOD WORKING ORDER

SUSPENSION SYSTEM: GOOD WORKING ORDER

BREAKING SYSTEM: Brakes measured in thousands ABS

Left Front Disc Inner Pad / Left Front Disc Outer Pad: GOOD

Right Front Disc Inner Pad / Right Front Disc Outer Pad: GOOD

Rear brakes Left and Right: GOOD

MASTER CYLINDER: GOOD WORKING ORDER

WIPERS: WORKING HORN: WORKING

MECHANICAL INSPECTION REPORT – PAGE 2

LIGHTS ALL WORKING

SEAT BELTS GOOD WORKING ORDER

AIR BAGS: YES ✓ NO ____ DEPLOYED NO

GENERAL VEHICLE OPERATING CONDITION

GOOD CONDITION
P/S FRONT TIRE BALD
DASH BOARD LIGHTS OUT FOR ABS AND AIR BAGS

LIST ANY CONDITION ON THE VEHICLE THAT MAY HAVE CONTRIBUTED TO THIS COLLISION

LOCATION VEHICLE TRANSPORTED FROM: RT 18 S/B – COMMERCIAL AVE

VEHICLE TOWED IN BY: PULEIO

JEFFERY THOMSON – PTL BARBER
VEHICLE INSPECTED BY:

09 – 07 – 2005 11:00 AM
DATE OF INSPECTION

NEW BRUNSWICK POLICE DEPARTMENT
25 KIRKPATRICK STREET
NEW BRUNSWICK, NJ 08901

TEL. (732) 745-5005
FAX (732) 514-0640

MECHANICAL INSPECTION REPORT

INVESTIGATING OFFICER: BARBER
DATE OF INCIDENT: 09-04-2005
DESCRIPTION OF VEHICLE

MAKE: HONDA — MODEL: CIVIC
YEAR: 2001 — ODOMETER: 48903
VIN: 1HGEM2295 1L066272 — COLOR: BLUE
REG: RTT 38A — STATE: N.J.

INSPECTION STICKER: 10-2006
ENGINE: 1.7 LITER — Trans. Automatic
DAMAGED AREA: N/A

TIRE INSPECTION

	SIZE/BRAND	TREAD DEPTH	AIR PRESSURE	COMMENTS
LEFT FRONT	HANCOCK P185/65 R15	11/32	28	
RIGHT FRONT	HANCOCK P185/65 R15	11/32	28	
LEFT REAR	FIRESTONE P185/65 R15	8/32	30	
RIGHT REAR	FIRESTONE P185/65 R15	8/32	30	

STEERING: GOOD WORKING ORDER

SUSPENSION SYSTEM: GOOD WORKING ORDER

BREAKING SYSTEM: Brakes measured in thousands — ABS

Left Front Disc Inner Pad / Left Front Disc Outer Pad: NEW — Right Front Disc Inner Pad / Right Front Disc Outer Pad: New

Rear brakes Left and Right: NEW

MASTER CYLINDER: Good WORKING ORDER

WIPERS: WORKING — HORN: WORKING

MECHANICAL INSPECTION REPORT – PAGE 2

LIGHTS ALL WORKING

SEAT BELTS WORKING ORDER

AIR BAGS: YES ✓ NO ______ DEPLOYED NO

GENERAL VEHICLE OPERATING CONDITION

OVERALL GOOD

LIST ANY CONDITION ON THE VEHICLE THAT MAY HAVE CONTRIBUTED TO THIS COLLISION

LOCATION VEHICLE TRANSPORTED FROM: RT 18 S/B – COMMERCIAL AVE

VEHICLE TOWED IN BY: DULEIO

JEFFERY THOMSON – PTL BARBER

VEHICLE INSPECTED BY:

09-07-2005 10:00 AM

DATE OF INSPECTION

PAGE 13 OF 26

STATE OF NEW JERSEY

MOTOR VEHICLE ACCIDENT DESCRIPTION

Police Agency New Brunswick City
Station
Case No. 05-37435

103 Accident Description
(Refer to vehicle by number)

ALL INVOLVED	17	18	19	20	21	22	23	24	25	26	27	NAMES-ADDRESSES OF OCCUPANTS IF DECEASED ALSO INCLUDE DATE & TIME OF DEATH
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IN MIDDLESEX County, New Jersey AT 0216 AM ON SEPTEMBER 04, 2005 A TRAFFIC CRASH OCCURRED. THE location of THE TRAFFIC CRASH WAS ON STATE HIGHWAY Route 18 SOUTH BOUND AT THE INTERSECTION of COMMERCIAL AVENUE. THE CRASH OCCURRED IN THE City limits of New Brunswick, New Jersey. THE TYPE of Collision A VEHICLE VERSES A PEDESTRIAN. THERE WERE TWO VEHICLES, AND ONE PEDESTRIAN INVOLVED IN THE CRASH. AT THIS TIME PED-ESTRIAN REMAINS ON LIFE SUPPORT.

THE TEMPERATURE WAS SIXTY-EIGHT DEGREES FAHRENHEIT. THE HUMIDITY WAS SEVENTY PERCENT. THE ROADWAY WAS DRY. THE CRASH OCCURRED AT NIGHTTIME. SUNRISE WAS AT 6:27 A.M. AND SUNSET WAS AT 7:24 P.M.

STATE HIGHWAY Route 18 IN THE AREA OF THE CRASH IS A THREE LANE NORTH-SOUTH ROADWAY. THE ROADWAY IS STRAIGHT, WITH A SLIGHT GRADE. THE ROADWAY COM-POSITION IS THE LEFT AND CENTER TRAVEL LANES ARE CONCRETE. THE RIGHT TRAVEL LANE IS ASPHALT. A STREET LIGHT IS ERECTED EIGHTY-SEVEN FEET NORTH of THE INTERSECTION. STATE HIGHWAY ROUTE 18 IS A POSTED FORTY-FIVE MILE PER HOUR ZONE. THE FORTY-FIVE MILE PER HOUR SIGN IS POSTED TWO TENTH OF A MILE SOUTH OF THE INTERSECTION. STATE HIGHWAY Route 18 HAS A YELLOW EDGELINE TO THE LEFT OF THE LEFT TRAVEL LANE, AND PAINTED INTERMITTENT WHITE LINES NORTH AND SOUTH. THE SOUTH BOUND LANES ARE AS follows RIGHT TRAVEL LANE IS TEN FEET WIDE

Officer's Signature: [signature] Badge Number: 7123

NJTR-1A (R1/96)

PAGE 14 OF 26

STATE OF NEW JERSEY

MOTOR VEHICLE ACCIDENT DESCRIPTION

Police Agency: New Brunswick City
Station: ____ Case No. 05-37437

103 Accident Description
(Refer to vehicle by number)

ALL INVOLVED	17	18	19	20	21	22	23	24	25	26	27	NAMES-ADDRESSES OF OCCUPANTS IF DECEASED ALSO INCLUDE DATE & TIME OF DEATH
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THE CENTER TRAVEL LANE IS TWELVE FEET WIDE, AND THE LEFT TRAVEL LANE IS ELEVEN FEET WIDE.

V1 IS A 2000 VOLKSWAGON GTI. V1'S VEHICLE IDENTIFICATION NUMBER IS WVWDC21JXYW465129. V1'S NEW JERSEY TAG IS SCN-30Y. V1'S COLOR IS SLIVER. V1'S OWNER IS STEVE W. EOON. MR EOON'S ADDRESS IS 7 ELAINE ROAD EAST BRUNSWICK, NEW JERSEY.

V1 HAS A MANUEL FIVE SPEED TRANSMISSION. V1 HAS POWER FRONT, AND REAR DISC BRAKES. V1 IS EQUIPPED WITH A SEAT BELT/SHOULDER RESTRAINT COMBINATION. V1 HAS A DRIVER'S AND FRONT PASSENGER'S AIR BAGS. THE TWO AIR BAGS WERE NOT DEPLOYED AT THE TIME OF THE CRASH.

V1'S DRIVER WAS STEVE W. EOON. MR EOON'S ADDRESS IS 7 ELAINE ROAD EAST BRUNSWICK, NEW JERSEY. MR EOON IS IN POSSESSION OF A VALID NEW JERSEY CLASS "D" DRIVER'S LICENSE. THERE IS A RESTRICTION ON HIS LICENSE. RESTRICTION ONE CORRECTIVE LENSES. THERE ARE NO ENDORSEMENTS. MR. EOON IS A FORTY-SEVEN YEAR OLD MALE.

LAST ACTIVITY LISTED ON MR. EOON'S LICENSE WAS IN THE YEAR 2002. THERE ARE NO POINTS ASSESSED TO MR. EOON'S LICENSE, AT THIS TIME.

MR. EOON ALONG WITH HIS PASSENGER SAMANTA EOON WERE WEARING THE SEATBELT/SHOULDER RESTRAINT COMBINATION, AND THEY WERE NOT INJURED. V1'S DRIVER AND PASSENGER WERE NOT TRANSPORTED TO A HOSPITAL

[signature] 7123

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STATE OF NEW JERSEY

MOTOR VEHICLE ACCIDENT DESCRIPTION

Police Agency New Brunswick City
Station
Case No. 07-37938

103 Accident Description (Refer to vehicle by number)

ALL INVOLVED	17	18	19	20	21	22	23	24	25	26	27	NAMES-ADDRESSES OF OCCUPANTS IF DECEASED ALSO INCLUDE DATE & TIME OF DEATH
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V2 IS A 2001 HONDA CIVIC. V2'S VEHICLE IDENTIFICATION NUMBER IS 1HGEM22951L066272. V2'S NEW JERSEY TAG IS RTT-38A. V2'S COLOR IS BLUE. V2'S OWNER IS CHRISTINA M. EICKMAN. MS. EICKMAN'S ADDRESS IS 743 HARRISON AVE APT 8 HARRISON, NEW JERSEY.

V2 HAS A AUTOMATIC TRANSMISSION. V2 HAS POWER FRONT DISC BRAKES, AND REAR BRAKE PADS. V2 IS EQUIPPED WITH A SEAT BELT/SHOULDER RESTRAINT COMBINATION. V2 HAS A DRIVER'S AND FRONT PASSENGER'S AIR BAGS. THE TWO AIR BAGS WERE NOT DEPLOYED, AT THE TIME OF THE CRASH.

V2'S DRIVER WAS KIRSTEN M BYRNES. MS. BYRNES ADDRESS IS 743 HARRISON AVE APT 8 HARRISON, NEW JERSEY. MS. BYRNES IS A TWENTY-EIGHT YEAR OLD FEMALE.

MS. BYRNES IS IN POSSESSION OF A VALID NEW JERSEY CLASS "D" DRIVERS LICENSE. THERE IS A RESTRICTION ON HER LICENSE. RESTRICTION ONE CORRECTIVE LENSES. THERE ARE NO ENDORSEMENTS.

LAST ACTIVITY LISTED ON MS. BYRNES LICENSE WAS IN THE YEAR 2004. THERE IS ONE POINT ASSESSED TO MS. BYRNES LICENSE, AT THIS TIME.

MS. BYRNES ALONG WITH HER PASSENGER CHRISTINA M. EICKMAN WERE WEARING THE SEAT BELT/SHOULDER RESTRAINT COMBINATION. PASSENGER KELLY BRAMWELL SITTING IN REAR SEAT WAS ALSO SEAT BELTED. THEY WERE NOT INJURED, NOR TRANSPORTED TO A HOSPITAL.

NJTR-1A (R1/96)

Officer's Signature [signature]

Badge Number 7127

STATE OF NEW JERSEY

MOTOR VEHICLE ACCIDENT DESCRIPTION

Police Agency New Brunswick City
Station ______ Case No. 05-77438

103 Accident Description
(Refer to vehicle by number)

ALL INVOLVED	17	18	19	20	21	22	23	24	25	26	27	NAMES-ADDRESSES OF OCCUPANTS IF DECEASED ALSO INCLUDE DATE & TIME OF DEATH
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P1 is Michael Boswell. Mr. Boswell is homeless. Mr. Boswell was released from the Middlesex County Adult Correctional Center State Highway Route 130 North Brunswick, New Jersey on August 22, 2005 after serving a two month sentence with them. Mr. Boswell is a forty-six year old male, and he suffered serious bodily injuries. P-1 was transported from the crash scene by E.M.S. to Robert Wood Johnson Hospital New Brunswick, New Jersey. As of this report P-1 is in I.C.U. on life support.

Mr. Boswell was wearing dark colored clothing, red baseball cap, and red sneakers.

V1's driver and passenger left their business the Wasabi Restaurant, Main Street Somerville, New Jersey. Traveling from Somerville to State Highway Route 287 exiting at Easton Avenue Somerset, New Jersey to Landing Lane New Brunswick then onto State Highway Route 18 South Bound enroute to their residence in East Brunswick, New Jersey.

V1's driver was familiar with the vehicle, the route, and the area.

NJTR-1A (R1/96)

[signature] Officer's Signature   2123 Badge Number

STATE OF NEW JERSEY

MOTOR VEHICLE ACCIDENT DESCRIPTION

Police Agency New Brunswick City

Station

Case No. 05-37438

103 Accident Description (Refer to vehicle by number)

ALL INVOLVED	17	18	19	20	21	22	23	24	25	26	27	NAMES-ADDRESSES OF OCCUPANTS IF DECEASED ALSO INCLUDE DATE & TIME OF DEATH
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V2's DRIVER STOPPED AT THE DEN, A CLUB LOCATED ON HAMILTON STREET SOMERSET, NEW JERSEY AT APPROXIMATELY 9:50 P.M. ALONG WITH PASSENGERS.

V2's PASSENGERS HAD BEEN DRINKING, BUT V2's DRIVER DID NOT DRINK, BEING DESIGNATED DRIVER.

V2's DRIVER, AND PASSENGERS LEFT THE CLUB AT APPROXIMATELY 1:30 AM. THEY STOPPED AT P.J.'S RESTAURANT. UPON LEAVING P.J'S THEY TRAVELED THRU THE CITY OF NEW BRUNSWICK ENROUTE TO ROUTE 18 SOUTH, AND HOME.

V2's DRIVER WAS FAMILIAR WITH THE VEHICLE, BUT NOT THE ROUTE, AND THE AREA.

P1 WAS LYING ON A BENCH IN BOYD PARK LOCATED NEAR STATE HIGHWAY ROUTE 18 NEW BRUNSWICK, NEW JERSEY. AT APPROXIMATELY 1:45 A.M. NEW BRUNSWICK POLICE OFFICER FEISTER ENTERED BOYD PARK, AND OBSERVED P1.

AS FEISTER APPROCHED P1 HE SAT UP AND LOOKED AT FEISTER. FEISTER OBSERVED A HALF FILLED OPENED QUART BOTTLE OF BEER UNDER P1's BENCH.

FEISTER ASKED P1 FOR I.D. AND DID A WARRANT CHECK. IT CAME BACK NEGATIVE. FEISTER THEN ADVISED P1 HE COULD NOT STAY IN THE PARK AFTER DARK, AND ISSUED CITY ORDINANCE SC05-0225 FOR BEING IN PARK AFTER DARK.

P1 BEGAN TO LEAVE WALKING TOWARD THE CANAL. P1 THREW THE SUMMONS AWAY. FEISTER OBSERVING THIS WALKED UP TO P1, AND P1 BEGAN TO CURSE

[signature] Officer's Signature

7127 Badge Number

STATE OF NEW JERSEY

MOTOR VEHICLE ACCIDENT DESCRIPTION

Police Agency New Brunswick City
Station
Case No. 05-37498

103 Accident Description
(Refer to vehicle by number)

ALL INVOLVED	17	18	19	20	21	22	23	24	25	26	27	NAMES-ADDRESSES OF OCCUPANTS IF DECEASED ALSO INCLUDE DATE & TIME OF DEATH
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AT FEISTER. P1 WAS THEN ISSUED ANOTHER CITY ORDINANCE SC05-0226 FOR DRINKING IN PUBLIC. FEISTER THEN ADVISED P1 TO LEAVE THE PARK. FEISTER LEAVING, AT THIS TIME P1 BEGAN WALKING OFF.

P1 IS FAMILIAR WITH THE AREA.

V1 WAS SOUTH BOUND ON STATE HIGHWAY ROUTE 18 TRAVELING BETWEEN FORTY, AND FIFTY MILES PER HOUR. IN THE LEFT TRAVEL LANE.

P1 WAS STANDING IN THE MEDIAN, AT THE INTERSECTION OF STATE HIGHWAY ROUTE 18, AND COMMERCIAL AVENUE, AND BEGAN WALKING WEST CROSSING THE SOUTH BOUND LANES OF STATE HIGHWAY ROUTE 18, AT THIS TIME THE TRAFFIC SIGNAL WAS GREEN IN FAVOR OF THE SOUTH BOUND TRAFFIC.

V1'S PASSENGER SIDE FRONT FENDER STRUCK P1'S LEGS CAUSING P1 TO RISE UP AND STRIKE V1'S PASSENGER SIDE WINDSHIELD SMASHING SAME. P1 WAS THEN THROWN INTO THE AIR LANDING IN SOUTH BOUND CENTER LANE, AND ROLLED.

V2 WAS SOUTH BOUND ON STATE HIGHWAY ROUTE 18 TRAVELING AT APPROXIMATELY FIFTY-FIVE MILES PER HOUR. IN THE CENTER TRAVEL LANE.

V2 RAN OVER P1 WITH FRONT WHEELS TRAPPING P1 UNDER V2.

[signature] 7123

Officer's Signature Badge Number

STATE OF NEW JERSEY

MOTOR VEHICLE ACCIDENT DESCRIPTION

Police Agency New Brunswick City

Station ______ Case No. 05-37438

103 Accident Description
(Refer to vehicle by number)

ALL INVOLVED	17	18	19	20	21	22	23	24	25	26	27	NAMES-ADDRESSES OF OCCUPANTS IF DECEASED ALSO INCLUDE DATE & TIME OF DEATH
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ON SEPTEMBER 04, 2005 AT 2:30 A.M. I WAS CALLED OUT BY SGT. KNIGHTON TO INVESTIGATE A TRAFFIC CRASH AT STATE HIGHWAY 18, AND COMMERCIAL AVENUE. THE CRASH INVOLVED A VEHICLE VERSES A PEDESTRAIN. I ARRIVED AT THE SCENE AT 3:00 A.M. THE PEDESTRAIN HAD RECEIVED SERIOUS BODILY INJURIES. THE PEDESTRAIN WAS TRANSPORTED BY AMBULANCE TO ROBERT WOOD JOHNSON HOSPITAL NEW BRUNSWICK, NEW JERSEY. I INDENTIFIED V1'S DRIVER, AND V2'S DRIVER WITH A VALID NEW JERSEY DRIVER'S LICENSE, AND P-1 WAS IDENTIFIED TO ME BY OFFICER FEISTER.
DURING THE CRASH INVESTIGATION I FOUND BOTH DRIVERS TO BE APPARENTLY NORMAL.

V1'S DRIVER STATED HE WAS TRAVELING SOUTHBOUND ON STATE HIGHWAY ROUTE 18, AND SAW A SHADOW SET OUT IN FRONT OF HIS VEHICLE. AGAINST A GREEN LIGHT. V1'S DRIVER HAD HIS HEADLIGHTS ON, HE HAD ONE PASSENGER IN THE FRONT, NEITHER WERE INJURED.

V2'S DRIVER STATED SHE WAS TRAVELING SOUTHBOUND ON STATE HIGHWAY ROUTE 18 IN THE CENTER TRAVEL LANE OBSERVING V-1 IN THE LEFT TRAVEL LANE APPLYING HIS BREAKS. V2'S DRIVER THEN OBSERVED P-1 LYING IN CENTER LANE, BUT WAS UNABLE TO STOP IN TIME. V2'S DRIVER HAD HER HEADLIGHTS ON, SHE HAD TWO PASSINGERS ONE IN THE FRONT SEAT, AND ONE IN REAR SEAT. NONE WERE INJURED.

[illegible] 727

Officer's Signature Badge Number

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STATE OF NEW JERSEY

MOTOR VEHICLE ACCIDENT DESCRIPTION

Police Agency: New Brunswick City
Station:
Case No. 05-52475

103 Accident Description (Refer to vehicle by number)

ALL INVOLVED	17	18	19	20	21	22	23	24	25	26	27	NAMES-ADDRESSES OF OCCUPANTS IF DECEASED ALSO INCLUDE DATE & TIME OF DEATH
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THERE IS A WITNESS TO THE CRASH. WITNESS JOY SIMMONS 80 ROSE STREET CLIFWOOD, NEW JERSEY. TELEPHONE NUMBER 732-583-0717.

WITNESS STATES SHE WAS TRAVELING SOUTH ON STATE HIGHWAY ROUTE 18 IN THE CENTER LANE. OBSERVED P-1 STANDING IN MEDIAN. THE LIGHT WAS GREEN FOR TRAFFIC. SHE COULD NOT BELIVE IT WHEN P-1 STEPPED INTO ROADWAY. OBSERVED P1 STRUCK BY BOTH VEHICLES. PULLED OVER AND PARKED IN AREA OF EXXON SERVICE STATION.

THE ROADWAY DID NOT HAVE ANY SURFACE MARKS ON IT. V1'S PASSENGER SIDE FRONT FENDER CRUSHED INWARD AS P1 LANDED ON IT. V1'S PASSENGER SIDE AREA OF WINDSHIELD WAS SHATTERED WHEN P1'S BODY STRUCK IT.

V2'S UNDER CARRIAGE HAD SCUFF MARKING ON THE PASSENGER SIDE JUST BEHIND FRONT TIRE.

I COMPLETED A POST COLLISION INSPECTION OF V1 AND V2 ALONG WITH JEFFERY THOMSON. THE LOCATION OF THIS INSPECTION WAS PULEIO'S LIVINGSTON AVENUE NORTH BRUNSWICK, NEW JERSEY. THE TIME WAS 10:00 AM. I DID NOT FIND ANY VEHICLE DEFECTS ON V1, AND V2. THE DATE OF THIS INSPECTION SEPTEMBER 07, 2005. I MET WITH THE FAMILY OF P-1 THE MORNING OF THE CRASH AT ROBERT WOOD JOHNSON HOSPITAL. MR. LEE BOSWELL (BROTHER) STATED HE HAD SEEN P1 AT HIS RESIDENCE PRIOR TO THE CRASH P1 WAS IN GOOD FRAME OF MIND.

[signature]
Officer's Signature

7123
Badge Number

NJTR-1A (R1/96)

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STATE OF NEW JERSEY

MOTOR VEHICLE ACCIDENT DESCRIPTION

Police Agency New Brunswick City

Station

Case No. 05-27438

103 Accident Description (Refer to vehicle by number)

ALL INVOLVED	17	18	19	20	21	22	23	24	25	26	27	NAMES-ADDRESSES OF OCCUPANTS IF DECEASED ALSO INCLUDE DATE & TIME OF DEATH
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AS OF SEPTEMBER 09, 2005 P1 IS STILL AT ROBERT WOOD JOHNSON HOSPITAL IN I.C.U. ON LIFE SUPPORT.

V1'S DRIVER, AND V2'S DRIVER DID NOT CAUSE THIS CRASH.

P1 IS THE CAUSE OF THIS CRASH. P1 VIOLATED NEW JERSEY STATE STATUE 39:4-32 SIGNAL FOR CROSSING ROADWAY. NEW JERSEY STATE STATUE 39:4-32 STATES " ON HIGHWAYS WHERE TRAFFIC AT INTERSECTIONS IS CONTROLLED BY A TRAFFIC CONTROL SIGNAL OR BY TRAFFIC OR POLICE OFFICERS, PEDESTRIANS SHALL NOT CROSS A ROADWAY AGAINST THE "STOP" SIGNAL UNLESS OTHERWISE SPECIFICALLY DIRECTED TO GO BY A TRAFFIC OR POLICE OFFICER, OR OFFICAL TRAFFIC CONTROL DEVICE.

AT CHARGES FOR P1 WILL NOT BE FILED, AT THIS TIME DUE TO HIS PHYSCIAL CONDITION.

NJTR-1A (R1/96)

[signature] Officer's Signature

2123 Badge Number

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STATE OF NEW JERSEY

MOTOR VEHICLE ACCIDENT DESCRIPTION

Police Agency
Station
Case No.

103 Accident Description
(Refer to vehicle by number)

ALL INVOLVED	17	18	19	20	21	22	23	24	25	26	27	NAMES-ADDRESSES OF OCCUPANTS IF DECEASED ALSO INCLUDE DATE & TIME OF DEATH
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9/6/2005 11:05 A.M.

I was enroute from work traveling down Rt. 18 to East Brunswick, when I was aproaching Commercial Ave., as I was aproaching the intersection, traffic light was green, traffic is light. I was startled to see ~~an~~ shadow or object in front of my car. I tried to avoid him by turning to the left, but I can not turn too much because of construction ~~barrels~~ barriers on the left. I hit him, I slammed on my brakes and came to a stop.

After I stop to check out what happened, looking for what I hit, saw car next to me had stipped in front of me. Saw a man pinned under the car in front of me. then I told my wife to call 911.

The speed I was traveleing was between 40-50 mph and I was traveling on the left lane, visiblity was clear but dark on left.

Steve Eoon.
[signature]

witness. [signature] 7123

* Statement written By SAMANTHA Eoon AS Dictated By Steve Eoon.

NJTR-1A (R1/96)

Officer's Signature

Badge Number

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STATE OF NEW JERSEY MOTOR VEHICLE ACCIDENT DESCRIPTION	Police Agency Station / Case No.

103 Accident Description
(Refer to vehicle by number)

ALL INVOLVED	17	18	19	20	21	22	23	24	25	26	27	NAMES-ADDRESSES OF OCCUPANTS IF DECEASED ALSO INCLUDE DATE & TIME OF DEATH
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9/6/2005 11:25 A.M.

Going home from work on Rt. 18 south, I was sitting on the passenger side of my husband's vehicle, as ~~I was~~ we were aproaching the intersection of Rt. 18 & Commercial Ave, the traffic light was green, as we ~~pa~~ were passing the intersection, I saw a shadow or a figure flashing in front of our car, Steve, my husband was trying to steer clear of the object, turning his wheel to the left, but was not successful, next thing I know, ~~the object had~~ ~~to~~ I heard a thump, and the wind shield in front of me came crashing in. Steve slammed on the brake, and we came to a stop, he got out of the car, and I followed, I then realize there was a car in front of us on ~~of~~ the right, with a person pinned under it.

Samantha Eoon

[signature]

NJTR-1A (R1/96) Officer's Signature Badge Number

STATE OF NEW JERSEY

MOTOR VEHICLE ACCIDENT DESCRIPTION

Police Agency ______________________

Station ______________ Case No. __________

103 Accident Description
(Refer to vehicle by number)

ALL INVOLVED	17	18	19	20	21	22	23	24	25	26	27	NAMES-ADDRESSES OF OCCUPANTS IF DECEASED ALSO INCLUDE DATE & TIME OF DEATH
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September 6, 2005 @ 11:58 Am

We had arrived at the Den just prior to 10 PM on Saturday Sept 3. I was the designated driver for the evening. We [Christina Eickman, Kelley Bramwell + myself] left the Den prior to closing and went to eat at PJ's in New Brunswick slightly before 2 AM. After eating in the car we departed and made our way to Rt 18 [approx 2:10 AM]. I cannot remember clearly how fast I was going, but no faster than highway speed as I approached the Commercial Ave intersection. The light was green, and I was in the center lane. The car in the left and right hand lanes were braking. The car to the left was in his lane but favoring mine so I began braking and favoring my right, though still remaining in my lane. As I was getting closer to the two cars I noticed a man lying in the street. I attempted to stop but I could not avoid running him over. He was dragged by the car, stuck underneath, until I could bring it to a complete stop. Chris called 911; we all exited the car. Kelley and I were on the ground talking to the man, telling him help was on the way + he was not alone. When the 1st officer on the scene arrived I spoke with him while Kelly continued to talk to the man.

[signature]
Kirsten Byrnes

PAGE 25 OF 2

VESTAL publishing co., inc.

COVER PAGE

Date: 9/8/05

TO:

Name: Officer Barber

Organization: Police Station

Fax Number: 732 514 -0640

FROM:

Name: Joy Simmons

Organization: Vestal Publishing Company, Inc.

Fax Number: (732) 583-5207

Telephone Number: (732) 583-3232

Total Number of Pages (including this cover page): 2

COMMENTS:

If any problems should occur during transmission, please call (732) 583-3232.

280 Cliffwood Avenue, Cliffwood, New Jersey 07721-1198
Phone: (732) 583-3232 Fax: (732) 583-5207

Sept 8 2005

I was traveling on Route 18 Southbound. I had just merged on via the last entrance before Commercial Avenue. I moved into the middle lane headed toward the commercial ave intersection at about 50 mph. The light was green. I noticed what looked like a figure standing inside the median on the other side of the light and said to myself "he can't be about to cross" as there was a car ahead of me in the left lane. Suddenly the man seemed to just pop out onto the highway and the first car struck him. The man flew up in the air and landed in the middle lane. I don't remember how but someway I ended up in the right most lane. After the man hit the ground he rolled and I saw the second car about to run him over and said to myself "please stop" but ~~one~~ the second car could not in time and ran over him, braking in the process. I saw this part from the drivers side window. The second car to hit was in the middle lane and I was a little ahead, but paralel in the right most lane. I immediately pulled over near the Exxon station to pray and see if I could help. signed Joy Simmons

Joy Simmons